

**Village of Indian Head Park
201 Acacia Drive
Indian Head Park, IL 60525
MINUTES
VILLAGE OF INDIAN HEAD PARK
PLANNING AND ZONING COMMISSION
PUBLIC HEARINGS**

“Pursuant to 5 ILCS 120/2.06 (3) minutes of public meetings shall include, but need not be limited to: a general description of all matters proposed, discussed, or decided, and a record of votes taken.”

Tuesday, October 7, 2014

7:30 P.M.

CALL TO ORDER – CHAIRMAN DENNIS SCHERMERHORN

A public hearing was hosted by the Village of Indian Head Park Planning and Zoning Commission on Tuesday, October 7, 2014, at the Municipal Facility, 201 Acacia Drive, to consider a zoning petition for the property located at 6506 Wolf Road. Zoning Petition #183 was submitted to the Commission by Kathleen Weger, owner, and presented this evening by Ms. Weger’s renter, and prospective buyer, Megan Knox. The meeting was convened at 7:30 p.m. by Chairman Dennis Schermerhorn.

ROLL CALL: PRESENT (AND CONSTITUTING A QUORUM):

Chairman Dennis Schermerhorn
Commissioner Diane Andrews
Commissioner Noreen Costelloe
Commissioner Timothy Kyzivat
Commissioner Earl O’Malley
Commissioner Robert Tantillo
Commissioner Jack Yelnick

ALSO IN ATTENDANCE:

Amy Jo Wittenberg, Zoning Trustee
Tom Hinshaw, Zoning Trustee

PLEDGE OF ALLEGIANCE TO THE FLAG

Chairman Dennis Schermerhorn and the Planning and Zoning Commission members recited the Pledge of Allegiance to the Flag as follows: ***"I Pledge Allegiance to the Flag of the United States of America and to the republic for which it stands one nation under God indivisible with liberty and justice for all"***.

ZONING AGENDA ITEMS: (discussion and a possible vote may take place)

**PUBLIC HEARING HELD BEFORE THE VILLAGE OF INDIAN HEAD
PARK PLANNING AND ZONING COMMISSION (PUBLIC COMMENTS
RECEIVED AFTER DISCUSSIONS BY THE PLANNING AND ZONING
COMMISSION MEMBERS AND PRIOR TO VOTES)**

- 1. Petition #183 - 6506 Wolf Road** - A petition to consider a Front Variance and Special Uses to Allow for the Installation of a Safety Gate at 6506 Wolf Road.

Chairman Schermerhorn noted a zoning petition was filed with the Village by Ms. Kathleen Weger, owner of 6506 Wolf Road. Representing Ms. Weger this evening is Ms. Meghan Knox, the property renter, and prospective buyer. The following exhibits were presented and reviewed by the Commission concerning this zoning petition: (1) a zoning petition application dated August 15, 2014 submitted by Ms. Kathleen Weger; (2) copy of concept design plans, along with several pictures of the gate, and a letter from Ms. Meghan Knox; (3) a memo to public works regarding posting of the zoning sign on the subject property; (4) certificate of publication in the Des Plaines Valley Newspaper on September 18, 2014; (5) plat of survey of the property dated June 8th 2002; (6) a copy of the letter that was sent to the adjacent property owners; (7) a list of adjacent property owners.

LETTER TO READ INTO THE RECORD

Chairman Schermerhorn read the following letter into the record that he received from a neighbor to the South, 6510 S. Wolf Road. Sherman and Margaret Chao, whom were represented at the meeting by Robert Shannon. The letter was addressed to Chairman Schermerhorn in regard to their strong negative view on allowing the installation of a security gate at said property.

We are the immediate neighbors south of the premise cited in the hearing. We have lived in this location for 27 years and in IHP since 1979. We enjoy living in IHP and have no complaints with the existing security in IHP, except the changing environment of our immediate north neighborhood. We believe a zoning change is neither necessary, nor desirable. Therefore, we strongly urge the Planning and Zoning Commission to reject the said petition of zoning changes. The following are our rationales for the consideration of the commission.

- 1) Our north neighbor built the iron grill gate about half a year ago and a masonry mail box just a few weeks ago, without a Village permit. This zoning and procedural violation should invalidate the right of petition and thus vacate the petition. It seems that the petition was filed to obscure the issues and dodge the illegal conduct on constructing without the required permit, which is noted and cautioned numerous times in Smoke Signals.*
- 2) Petitioner's reasoning for building the security gate is to prevent burglary occurring in our neighborhood. In fact a nice looking security gate does not enhance the security at all because thieves most likely trespass and enter from the back woods by foot. The gate actually boxes in the residence creating a false sense of security, inviting more intrusion and bigger crimes due to the negative effect of prestige, and preventing or hampering emergency services.*
- 3) All intentions and causes of building a security gate must be considered for the hearing. We believe that the security gate is built to protect petitioner's fully equipped car service and repair garage and the inventory of racing and service vehicles, like building a fenced vehicle pond. The increasing activity and traffic, sometimes day and night, resulting from this operation*

is of greater concerns to us and the community. The zoning commissions should investigate the legality of operating a garage in a residential area and driving vehicles with modified loud exhaust systems, which likely violate zoning codes and Illinois law.

- 4) *On a larger picture, a gate on every residence will contribute to more traffic, especially along Wolf Road. A locked gate will hamper the services from police, and fire departments by increasing emergency response time. It is not hard to imagine the possible disastrous result if every residence had a blocked driveway during an emergency situation.*

In summary, we strongly oppose the petition on the grounds that no security improvement in the neighborhood can be realized, and there are many negative effects to security, emergency services and overall IHP community. All residences should acquire permits before construction. The Village should not condone any violation of city ordinances and zoning law.

We appreciate your consideration. Please let us know if you need any further information and/or more explanation of our concerns.

*Sincerely,
Sherman and Margaret Chao*

The petition was presented by Ms. Meghan Knox, the renter of 6506 Wolf Road. Chairman Schermerhorn requested that Ms. Knox explain in detail why she did not obtain a building permit, and why the commission should look upon this favorably. Ms. Knox explained that her purpose of installing the security gate is to keep strangers and workers in vehicles from utilizing her driveway. This makes her nervous and frightened; especially after hearing her neighbor south of her home was burglarized. She also believes the gate adds appeal to the neighborhood, and to her home. It is equipped with a key pad and remotely operated; it could be pushed in if necessary. In conclusion she feels safer with it. Ms. Knox stated that there is not a car repair business operating in her garage. All the cars on their property are registered to her,

and her fiancé works on cars as a hobby. She has invested a lot of money to build the structure, and is requesting to be able to keep it.

Chairman Schemerhorn invited the Planning / Zoning Commission to ask Ms. Knox questions:

Commissioner Dianne Andrews asked Ms. Knox why she did not inquire into getting a permit, when the Smoke Signal Newsletter informs residents that they may need a permit for work they are going to have done on the outside of their home. Ms. Knox answered that she had seen a red gate at a property on Plainfield Road and assumed it was not necessary to get a permit.

A conversation ensued in regard to where exactly the red gate was located at, and how long it has been there.

Commissioner Noreen Costelloe questioned Ms. Knox as to what prompted her to file for this variance, and she answered that it was the Chief of Police whom informed her that fences are not allowed in the Village.

Commissioner O'Malley asked Ms. Knox if she had requested her neighbors not use her driveway to exit, and she said that it was the neighbor's workers whom used the driveway. Ms. Knox added that the neighbor came over twice, and insulted and hollered at her fiancé.

Commissioner Kyzivat suggested that since the neighbor's driveway comes around and joins hers; why not place something there to eliminate someone able to come through to her driveway. This may make it obvious that it is not a circular driveway. If allowed, Ms. Knox said she would be willing to pay for that.

Commissioner O'Malley questioned whether or not Ms. Knox got approval from the owner, and Chairman Schermerhorn confirmed that the owner is the official petitioner.

Commissioner Andrews asked Ms. Knox if owner informed her that there may be an issue with this gate. Ms. Knox answered that owner was not aware of any.

Chairman Schermerhorn stated that there are several issues here, there is an existing structure, columns with a gate that were installed without a permit. If the Commission does not agree with it, the owner (petitioner) will have to take it down. There also is the mailbox, which is a necessity, and there are many different decorative styles of mailboxes that can be purchased. Perhaps a more substantial structure like this one is warranted on a busy street. Commissioner Kyzivat suggested that the mailbox meet the Post Office guidelines and regulations, for the postal truck to be able to deliver mail. Commissioner Yelnick asked Ms. Knox if there have been any complaints from the postal service, and she stated that they have been getting their mail. Commissioner Yelnick concluded that if there have not been any complaints from the Postal service, then assumption would be that there is no problem. Chairman Schermerhorn added that the mailbox is built outside of the 40 foot setback.

Chairman Schermerhorn concluded that the gate was constructed without a permit, and there are two areas of our Title 17, impacted by this structure. There is the fencing, which would require a special use, and the column's front yard set-back incursion which requires a variance.

Commissioner Kyzivat voiced his concern over the ability of emergency vehicles to get onto the premises during an emergency. The Commission discussed getting confirmation from the Police and Fire departments in regard to accessibility during an emergency.

Commissioner Andrews stated that the plat of survey does not show the right of way, or the structures, and the Commission should see a plat of survey properly marked before they can make a decision. Commissioner Yelnick agreed with Commissioner Andrews that more information is needed.

Chairman Schermerhorn and the Commission decided that they would not be voting on this petition this evening and would grant a continuance, which would allow the property owner to submit more information needed to make a decision.

The Owner, Kathleen Weger, will need to submit the following information:

- 1) Properly marked plat of survey,
- 2) Statements from the Police and Fire Department stating that the gate will not impede their duties and obligations for the safety and protection of residents.
- 3) Approval letter for the mailbox structure from the Post Office.

PUBLIC COMMENT FROM THE AUDIENCE PERTAINING TO PETITION #183

Chairman Schermerhorn welcomed Robert Shannon to speak on behalf of Sherman and Margaret Chao, whom according to Mr. Shannon requested that he speak as their Power of Attorney. Mr. Shannon reiterated the Chao's concern over the accessibility of the Police and Fire Departments. They do not see the gate as a deterrent for burglars, since the back of the home is wide open to a wooded area

Commissioner Yelnick suggested that there are other gates in the Village, and that there should be a procedure established in order to enter the gates in an emergency situation by the Fire and Police Departments.

Chairman Schermerhorn polled the Commission, and all were in agreement to grant the continuance for petition #183, they will need to bring the requirements discussed and noted. Meeting will be on November 11, 2014.

PUBLIC COMMENTS FROM THE AUDIENCE

The audience was invited to comment on the petition or other Building and Zoning issues. Mr. Mo Jovadi of 6533 Blackhawk Trail wanted to know if the Commission is planning on minimizing the zoning lot size. Chairman Schermerhorn answered that they have recently reviewed the zoning ordinance, and did not make a recommendation to the board to reduce the minimum lot size. Commissioner Andrews and Chairman Schermerhorn ensued into a discussion of the different lot sizes in the Village. Mr. Jovadi explained that he has attempted to subdivide his lot at 6540 Blackhawk Trail, but that it was denied. He was instructed that he may file for a variance. Mr. Jovadi stated that the necessary plans for a variance would cost him \$10,000. He requested that he be granted a workshop to review his situation, before investing such a large amount of money. The Commission granted a workshop for Mr. Jovadi, and requested he drop off 10 copies of plans to the office in advance. Workshop will be held at the November 11, 2014.

APPROVAL OF PLANNING AND ZONING COMMISSION MEETING MINUTES.

Commissioner Costelloe moved to approve the August 5, 2014 Minutes and second by Commissioner Tantillo. Motion carried by unanimous voice vote (7-0-0)

ADJOURNMENT

There being no further business to discuss before the Commission, Commissioner Andrews moved, second by Commissioner Yelnik to adjourn the meeting at 8:27 P.M. Carried by unanimous voice vote (7-0-0).

Minutes prepared and submitted by,
Mary Crowley, Acting Recording Secretary
Planning and Zoning Commission

PZC Minutes
October 7, 2014